

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
Coastal Resources Management Council
Oliver Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879
(401)783-3370

CRMC RESEARCH/EDUCATIONAL AQUACULTURE APPLICATION

File No. _____ (for CRMC office use only)

Applicant's Name: _____

School and/or affiliation: _____

Mailing Address _____ State _____ Zip _____

Telephone Number: Home _____ Bus. _____ Fax: _____

PROJECT LOCATION

Water body Name: _____

City/Town: _____

Latitude-longitude coordinates of site: _____

On a separate paper please describe the proposed project. If this is a research project please provide an experimental design including null hypothesis and proposed statistical analysis. If this is an educational project please describe your pedagogy and how this project will fit in with your class room instructional plan. For either type of project provide a detailed operational plan, i.e. what you propose to do, how you propose to do it, where you propose to do it, and why you are proposing this plan.

Proposed species (common name; genus and species): _____

Proposed start and end dates for project: _____

NOTE: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible adhered to the policies and standards of the program. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. The filing of false information can result in the Coastal Resources Management Council revoking the state assent.

Applicant's Signature: _____

Rev. 4/03

SEE REVERSE SIDE ---->

INSTRUCTIONS
ONE APPLICATION PER SITE

YOU MUST SUBMIT ALL OF THE FOLLOWING FOR A COMPLETE APPLICATION:

- ☐ **APPLICATION FEE** (\$25.00 per site, check or money order made payable to "CRMC")
- ☐ **LOCATION MAP (2 COPIES)** - Use a NOAA nautical chart to accurately delineate the site location. The location map must include a map scale, a north arrow and an accurate latitude-longitude coordinate for the site. The map should be no smaller than 8½" by 11".
- ☐ **SITE PLANS (2 COPIES)** - Details of the site and proposed gear in plan view with bottom contours showing depth at mean low water. A separate sheet depicting a cross section view with mean high and mean low tide elevations shown on the plans and distance to nearest shoreline features (shoreline, docks, etc.). Be sure to show all proposed gear within the site. Both sheets must be no smaller than 8½" by 11". Plan scales of 1 inch = 20 feet or larger are preferred.
- ☐ **GEAR DETAILS (2 COPIES)** - Show typical dimensions of the proposed gear (cage, rack, net bag etc.) on a separate 8½" by 11½" sheet. **Be sure to show all details!**
- ☐ **OPERATIONAL PLAN (2 COPIES)** - Written description to include, at minimum, a description of the design and operation of the aquaculture facility, harvesting and maintenance procedures, source of water and water treatment, if any, and seed stock origin, consistent with the FDA National Shellfish Sanitation Program guidance documents. Describe the experimental protocol in detail, include controls, treatments, statistical information, etc.

→ **SITES ARE LIMITED TO A MAXIMUM OF 1000 SQUARE FEET** →

→ **MAXIMUM TIME PERIOD OF THREE (3) YEARS** →

NOTE: You are required to obtain a Permit for Aquaculture from the DEM Division of Fish & Wildlife for the possession and transportation of any fish or shellfish for the purposes of aquaculture; call (401)423-1929. This proposal will be reviewed by Federal and state agencies. The CRMC permit is not valid until these other permits and reviews are completed.

(Rev. 4/03)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
Coastal Resources Management Council
Oliver Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879
(401)783-3370 1-800-752-8088

CRMC EXPERIMENTAL AQUACULTURE APPLICATION

File No. _____

Applicant's Name _____

Mailing Address _____ State _____ Zip _____

Telephone Number: Home _____ Bus. _____ Telefax _____

PROJECT LOCATION

Water body Name _____

City/Town _____

Latitude-longitude coordinate of site _____

DESCRIPTION OF PROPOSED EXPERIMENTAL AQUACULTURE OPERATION:

Proposed species (common name; genus and species) _____

Proposed start and end dates for experiment _____

NOTE: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible adhered to the policies and standards of the program. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. The filing of false information can result in the Coastal Resources Management Council revoking the state assent.

Applicant's Signature

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- ☐ OPERATIONAL PLAN (2 COPIES) - Written description to include, at minimum, a description of the design and operation of the aquaculture facility, harvesting and maintenance procedures, source of water and water treatment, if any, and seed stock origin, consistent with the FDA National Shellfish Sanitation Program guidance documents. Describe the experimental protocol in detail, include controls, treatments, statistical information, etc.

⇒ SITES ARE LIMITED TO A MAXIMUM OF 1000 SQUARE FEET ⇐

⇒ MAXIMUM TIME PERIOD OF THREE (3) YEARS ⇐

NOTE: You are required to obtain a Special Permit for Aquaculture from the DEM Division of Fish & Wildlife for the possession and transportation of any fish or shellfish for the purposes of aquaculture; call (401) 783-8906. In addition, you may be required to obtain an Army Corps of Engineers permit for any structures placed in tidal waters (e.g., cages, racks, nets, etc.); contact them at (978)318-8131. The CRMC permit is not valid until these other permits are issued to the applicant.

UPLAND AQUACULTURE

COASTAL RESOURCES MANAGEMENT COUNCIL

CHECK LIST

FOR ASSENT APPLICATION

- ☐ 1. Application Fee: Based on estimated project cost (see Fee Schedule, minimum fee is \$50.00).
- ☐ 2. Four (4) copies of the completed application package. Be complete and concise in the description of the proposed project. The written description must completely describe all work proposed on the submitted plans. This concise written description is essential in order to put the project out to public notice and expedite the processing of your application.
- 3. Other Local, State and Federal Agency Approvals.
 - ☐ All local permits (building, business, etc.) must be obtained. Include copies in the application package.
 - ☐ Special Aquaculture Permit must be obtained from RIDEM Division of Fish and Wildlife, Stedman Government Center, 4808 Tower Hill Rd, Wakefield RI 02879; call (401) 222-3094. This can be applied for concurrently.
 - ☐ Discharges from land based aquaculture facilities are subject to permitting under RI Pollution Discharge Elimination System (RIPDES). Contact RIDEM Division of Water Resources at (401) 222-3961.
 - ☐ Any wetlands alteration will require a permit from the U.S. Army Corps of Engineers, 696 Virginia Rd., Concord, MA 01742-2751; (978) 318-8883.
- ☐ 4. Location map; four (4) copies of a current USGS topographic map, no smaller than 8 1/2" X 11". This map must show a map scale, north arrow, USGS map location name and location of proposed aquaculture facility.
- ☐ 5. Site plans, four (4) copies at a minimum scale of 1 inch = 40 feet (larger scale, 1 inch = 20 feet is preferred) showing:
 - 1. Complete property boundaries,
 - 2. Complete plan of aquaculture facility with distances from boundaries, waterways and/or streams,
 - 3. Names and addresses of abutting property owners,
 - 4. Position and location of waste discharge points.
- ☐ 6. Detailed written description of operational plan for the aquaculture facility which must include, at minimum, types of fish (common and scientific names) to be cultured, source(s) of stock, source(s) of water, method of waste disposal from culture facility, anticipated production levels by year, maximum biomass anticipated, maximum designed stocking density, total volume of culture system, total volume in culture tanks only, anticipated daily rate of water replacement, destination of harvest, if any processing of harvest will take place how will processing wastes be disposed of, and any other information that will help CRMC evaluate this proposal.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL
Oliver H. Stedman Government Center
4808 Tower Hill Road
Wakefield, R.I. 02879-1900
(401) 277-2476

NOTICE TO AQUACULTURE APPLICANTS

The following information is provided by the Coastal Resources Management Council as guidance for applicants proposing aquaculture operations in tidal waters of the State of Rhode Island. Aquaculture operations require both a CRMC Assent and an annual CRMC lease agreement. Applications are reviewed under a Category B process as defined by the Rhode Island Coastal Resources Management Program (RICRMP), requiring of a 30 day public notice period followed by consideration by the full Council. If substantive objections (reference Section 110.3 of the RICRMP) are submitted during the public comment period, the application may be evaluated by a subcommittee at a public hearing before being considered by the full Council. A subcommittee review may only be initiated at the discretion of the Executive Director or upon request by four or more members of the Council.

Applicants are advised to familiarize themselves with the RICRMP, particularly sections 160, 300.1 and 300.11. Additionally, applicants should also review §20-10 of the Rhode Island General Laws which specifically pertains to aquaculture activities. All applicants should initially contact the local harbor master to ensure the proposed operation will not interfere with residential docks, mooring areas, navigational channels or marina facilities. The proposal must also be consistent with local zoning ordinances if it contains any land based elements. Applicants should also discuss the proposed operation with the Department of Environmental Management Division of Fish & Wildlife (contact Arthur Ganz, Marine Fisheries Laboratory 782-2304).

The Army Corps of Engineers (ACOE) requires that all aquaculture projects that involve in-water structures, such as netting, cages, boxes, floats, etc., obtain an ACOE permit. Contact Monica Stillman, ACOE Project Manager, Regulatory Division at (978) 318-8828 for permit applications and information. The ACOE permit may be reviewed concurrently with the CRMC application review process. Applications involving discharges may be required to obtain a Rhode Island Pollution Discharge Elimination System (RIPDES) permit; contact RIDEM Division of Water Resources at 222-3961. Aquaculture proposals may also be required to comply with proper gear marking procedures as specified in 33 Codified Federal Register 64.20-1. Therefore, applicants are advised to contact the local U.S. Coast Guard District Commander

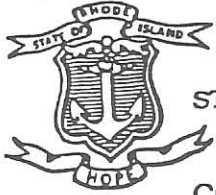
Applicants proposing aquaculture activities must submit the following information to the CRMC:

1. A complete application package signed and dated by the applicant with the appropriate application fee which is based on the estimated project cost (see CRMC fee schedule; minimum fee \$50.00). If approved, an annual lease may be required, with a fee based on the acreage of the area utilized by the operation.
2. Plans depicting the location of the proposed operation, locus, and design details of the proposed gear to be placed in tidal waters. Site plans must be drawn to scale and 8.5" by 11" reduction of large scale plans must be submitted for the CRMC 30-day public notice. Applicants must use the detailed checklist of application requirements which is available at the CRMC office.
3. A written narrative that clearly describes all aspects of the proposed operation and addresses the Category B requirements listed in Section 300.1 of the RICRMP (see checklist)

After receiving a completed application package, the CRMC will forward a request to the Marine Fisheries Council and the DEM Division of Fish & Wildlife for written comments regarding the aquaculture proposal. After receiving written responses by the preceding two entities, the CRMC will bring the application before the full Council for deliberation or a subcommittee, if required. If the application is approved, the CRMC may require a performance bond to be posted by the applicant to cover the cost of clean-up operations and gear removal should the site be abandoned. The bond coverage amount will be determined by the CRMC.

Finally, the applicant must abide by the stipulations prepared for the aquaculture operation and conditions of the lease. The CRMC Assent permits the aquaculture activity in tidal waters. A lease agreement will be prepared by the CRMC and forwarded to the applicant. Lease fees are specified in Section 160 of the RICRMP and must be paid in full by January 31st of each operation year. Also, a separate aquaculture permit must be obtained (currently at no charge) from the DEM Division of Fish & Wildlife for the importation and culturing of species in Rhode Island tidal waters. Applicant's are also required to submit an annual report to both agencies by January 31 of each year. The annual report forms will be provided to aquaculture permit holders during the month of December, prior to the due date.

Should you have any questions regarding your proposal, please contact the CRMC at 222-2476 or the DEM Marine Fisheries Laboratory at 783-2304.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL
Oliver H. Stedman Government Center
4808 Tower Hill Road
Wakefield, R.I. 02879-1900
(401) 277-2476

MINIMUM REQUIREMENTS FOR CRMC APPLICATIONS
AND
CRMC APPLICATION ACCEPTANCE PROCEDURE

In order for the Coastal Resources Management Council ("CRMC") to process applications in an effective, expeditious manner, minimum information requirements have been established. These requirements are contained in the checklist attached to this letter. Without this information, CRMC staff Engineers and Biologists cannot initiate a proper review of your application and/or determine if the proposed work or other alterations within the coastal zone are in conformance with the Rhode Island Coastal Resources Management Program ("RICRMP").

ALL information noted in the checklist must be submitted at the time of the application. CRMC staff will perform a preliminary review of all applications submitted prior to official acceptance of the application. If the application is found to be complete, a file number will be assigned to the application and you will receive notice that the application have been accepted. This notice will identify the file number which has been assigned to the application. In all subsequent correspondence to this office (including telephone calls) you must provide the CRMC file number, the property owner's name and the location (by town).

If the application is found to be incomplete, *your application fee will be returned to you with a brief description of the information necessary to make the application complete.* Deficient applications must be resubmitted in their entirety (that is, the missing information cannot be submitted without the remaining requirements of the application). *Due to the costs of postage, your application materials, other than the fee, will NOT be returned to you. These materials will be held for 30 days during which time they may be picked up at our Wakefield office. If they are not picked up within this time frame, they will be disposed of.*

The applicant will be required to resubmit the application fee. All checks must have a CURRENT DATE. No checks back-dated more than 2 weeks will be accepted.

In order to properly address all the requirements of the coastal program, it is strongly suggested that you obtain a copy of the regulations (i.e. the RICRMP or "Redbook"). The Redbook is available for \$20.00 at either our Wakefield or Providence office or may be obtained by mail with an additional fee for postage, we would need a check or money order whether sending for the publication or paying in person (do not send cash). For subdivisions and certain other "large" projects, the applicant should obtain a copy of any Special Area Management Plans (SAMP's) which apply based on project location. These may also be obtained at our Wakefield or Providence office at a cost of \$10.00 each or by mail \$13.00.

The staff of the Coastal Resources Management Council wishes to thank you in advance for your anticipated cooperation in this process.

hers (include Section 320
vs)

Based on Estimated Project Cost:
EPC is less than or equal to \$1,000
EPC Between \$1,000.01 - \$2,500
\$2,500.01 - \$5,000
\$5,000.01 - \$10,000
\$10,000.01 - \$25,000
\$25,000.01 - \$50,000
\$50,000.01 - \$100,000
\$100,000.01 - \$150,000
\$150,000.01 - \$200,000
\$200,000.01 - \$250,000
\$250,000.01 - \$300,000
\$300,000.01 - \$350,000
\$350,000.01 - \$400,000
\$400,000.01 - \$450,000
\$450,000.01 - \$500,000
\$500,000.01 - \$20,000,000

EPC greater than \$20,000,000

\$50.00
\$100.00
\$150.00
\$200.00
\$250.00
\$500.00
\$750.00
\$1,000.00
\$1,250.00
\$1,500.00
\$1,750.00
\$2,000.00
\$2,250.00
\$2,500.00
\$2,750.00
($\$2,750.00 + .005 \times \text{EPC}$
beyond \$500,000.00)
($\$100,250.00 + .0025 \times \text{EPC}$
beyond \$20,000,000)

= *Estimated Project Cost. The EPC shall include all costs associated with site preparation (e.g., earthwork, landscaping, etc.) sewage treatment (e.g., cost of ISDS, sewer tie-ins, etc.) and construct costs (e.g., materials, labor, and installation of all items necessary to obtain a certification of occupancy).*

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF FISH AND WILDLIFE

Application for a Special Permit for Aquaculture
R.I.G.L. 20-10-12

(Name) C.R.M.C. Assent # _____

(Street Address) Assent Expiration Date _____
Type: _____
Commercial _____
Experimental _____
Private _____
Educational _____
Research _____

(City, State, Zip)

Species to be cultured/possessed: _____
(Must coincide with the terms of the C.R.M.C. Assent)

Location where organisms will be held: _____
(Must coincide with the terms of the C.R.M.C. Assent)
Land Based: yes _____ no _____
Open-water: yes _____ no _____
Bottom Culture: yes _____ no _____
Cage Culture: Number _____ Approximate Size _____
Raft Culture: Number _____ Approximate Size _____
Other: (Describe) _____
Lease: Number _____ Size _____
Type/Description of Markers used to identify aquaculture site _____

(Required/specified by C.R.M.C. R.I.G.L. 20-10-9)

Will the cultured species always be maintained within the lease? yes _____ no _____
Will it be moved (from upwellers, spat collectors, raceways, cages etc. to grow-out area)
as part of the culture? yes _____ no _____ if yes: where, when _____

Purpose for Culture: Food Production _____ Other _____

Is the end product of the culture to be sold? yes _____ no _____
in-state? _____ out-of-state? _____
Live _____ Whole _____ Processed _____

Source of organisms to be used for culture: Hatchery____ Spat Collectors (CRMC approved)____
Other_____

Name of Hatchery (if known) _____

(Address, phone, contact person)

Anticipated time of delivery to R.I. Aquaculture _____

The aquaculturist must notify the D.E.M. Division of Fish and Wildlife and Enforcement of every shipment of animals for culture at least five days prior to entry into the state and each shipment must be accompanied by a certificate of disease inspection from a recognized laboratory appropriate to the species received.(R.I.D.E.M. Regulation 19.3.2.)

Approximate Size of organisms (seed, fingerlings, larvae, adult) to be imported into R.I. _____

Approximate quantity anticipated to be received this (permit) year _____

Other Conditions

By submission of this application for issuance or renewal of a Special Permit for Aquaculture, the aquaculturist provides the Division of Fish and Wildlife and the Division of Enforcement with the authority to enter and inspect all aquaculture facilities which have been requested to be permitted. (R.I.G.L. 20-10-15). By submission of this application, the aquaculturist agrees to acquire and maintain all of the appropriate licenses and permits necessary to conduct the culture and seafood business within the State of R.I. and comply with all laws, rules and regulations regulating the possession, sale, trade, transport, purchase and barter of fish/shellfish and seafood products. Noncompliance of the conditions of this permit will result in forfeiture of the Special Permit for Aquaculture and possible prosecution.

(Authorized signature) _____ date _____

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COASTAL RESOURCES MANAGEMENT COUNCIL
4808 TOWER HILL ROAD; Suite 3, WAKEFIELD, RI 02879
(401) 783-3370

Application for State Assent to perform work regulated by the provisions of Chapter 279 of the Public Laws of 1971 Amended.

		File No.
Location No.	Street	City/Town
Owner's Name	Plat No.	
Mailing Address	Lot No.	
City/Town	State	Zip Code
Contractor RI Lic. #	Address	Res. Tel. #
Designer	Address	Bus. Tel. #
Name of Waterway	Est. Project Cost \$	Tel. No.
		Tel. No.
		Fee/Costs \$

Have you or any previous owner filed an application for and/or received an assent for any activity on this property?
(If so please provide the file and/or assent numbers).

IS THIS APPLICATION BEING SUBMITTED IN RESPONSE TO A COASTAL VIOLATION?

YES _____ NO _____

IF YES, YOU MUST INDICATE NOV OR C&D NUMBER _____

Name and Addresses of adjacent property owners whose property adjoins the project site.

Describe accurately the work proposed. (Use additional sheets of paper if necessary and attach this form.)

Owner's Signature

NOTE: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible, adhered to the policies and standards of the program. Where variances or special exceptions are requested by the applicant, the applicant will be prepared to meet and present testimony on the criteria and burdens of proof for each of these relief provisions. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then the permit granted under this application may be found to be null and void. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall have access to the applicants property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to the penalties of perjury.

1/00

PLEASE REVIEW REVERSE SIDE OF APPLICATION FORM

STATEMENT OF DISCLOSURE AND APPLICANT AGREEMENT

AS TO FEES

The fees which must be submitted to the Coastal Resources Management Council are based upon representations made to the Coastal Resources Management Council by the applicant. If after submission of this fee the Coastal Resources Management Council determines that an error has been made either in the applicant's submission or in determining the fee to be paid, the applicant understands that additional fees may be assessed by the Coastal Resources Management Council. These fees must be paid prior to the issuance of any assent by the Coastal Resources Management Council.

The applicant understands the above conditions and agrees to comply with them.

Signature

Date

Print Name and Mailing Address

TO: Coastal Resources Management Council

DATE: _____

FROM: Building Official

SUBJ: Application of: _____

Location: _____

Address: _____ Plat No. _____ Lot No. _____

To Construct: _____

I hereby certify that I have reviewed _____ foundation plan(s).
_____ plan(s) for entire structure
_____ site plans

Titled: _____

Date: _____

_____ and find that the issuance of a local building permit is not required as in accordance with Section _____ of the Rhode Island State Building Code.

_____ and find that the issuance of a local building permit is required. I hereby certify that this permit shall be issued once the applicant demonstrates that the proposed construction/activity fully conforms to the applicable requirements of the RISBC.

_____ and find that a Septic System Suitability Determination (SSD) must be obtained from the RI Dept. of Environmental Management.

_____ and find that a Septic System Suitability Determination (SSD) need not be obtained from the RI Dept. of Environmental Management.

_____ and find that said plans conform with all elements of the zoning ordinance, and that if said plans require zoning board approval, that the applicant has secured such approval and that the requisite appeal period has passed with no appeal filed or appeal is final.

Building Official's Signature

Date

Section 300.11. Aquaculture

A. Definition

1. For the purpose of the Coastal Resources Management Council, marine aquaculture is defined as the culture of salt tolerant aquatic species under natural or artificial conditions in tidal waters and coastal ponds including but not limited to: fish farming utilizing pens, tanks, or impoundments; the culture of shellfish on the sea floor, in cages, or suspended from structures in the water; and the culturing of aquatic plants. NOTE: land-based marine aquaculture operations (i.e., above mean high water) are also regulated under Section 300.3 of the RICRMP.

2. For the purpose of the Coastal Resources Management Council freshwater aquaculture is defined as the culture of aquatic species under natural or artificial conditions in freshwater ponds, tanks, raceways or other freshwater impoundments located within the coastal zone or in inland locations throughout the state.

3. Transient or mobile aquaculture gear is defined as cages containing cultured species which are periodically moved about within a specified area so as to reduce user conflicts. This gear is typically in the form of wire cages which are either individually marked with a surface buoy or strung together in trawls with end buoys to identify the location of gear.

B. Policies

1. The CRMC recognizes that commercial aquaculture is a viable means for supplementing the yields of marine fish and shellfish food products, and shall support commercial aquaculture in those locations where it can be accommodated among other uses of Rhode Island waters.

2. The Council may grant aquaculture activities by permit only. The CRMC may grant aquaculture applicants exclusive use of the submerged lands and water column, including the surface of the water, when the Council finds such exclusive use is necessary to the effective conduct of the permitted aquaculture activities. Except to the extent necessary to permit the effective development of the species of animal or plant life being cultivated by the permittee, the public shall be provided with means of reasonable ingress and egress to and from the area subject to an

aquaculture lease for traditional water activities such as boating, swimming, and fishing. All plant and animal species listed for culture in an aquaculture lease are the personal property of the permittee.

3. At the discretion of the Council, leaseholders may be required to temporarily remove their aquaculture facilities when they are not being used to conduct research or to harvest an aquatic species of plant or animal for a substantial period of time. The Council may permit inactive facilities to remain if it determines that the temporary removal of these facilities would place an undue burden on the leaseholder.

4. The Council may require the removal of any aquaculture facility that is in an obvious state of disrepair or has become a navigation or safety hazard.

5. Upon application to renew an existing aquaculture Assent, the Executive Director may administratively renew said Assent for a period not to exceed that period set forth in Title 20 Chapter 10 of the General Laws for each renewable period, provided the applicant is in conformance with the terms and conditions of the Assent, the aquaculture lease, and with the Coastal Resources Management Program (RICRMP) in effect at the time of renewal provided, further, that there are no amendments to the Assent or lease. Report of such action by the Executive Director shall be made in writing to the full Council at the next regularly scheduled meeting of the Council.

6. In the event that a CRMC approved aquaculture operation is determined by the Council to not be actively "farmed" for a period of one year, the assent and lease shall be deemed null and void and the site shall be returned to the State's free and common fishery.

7. The Council may grant an aquaculture Assent for a period not to exceed that period set forth in Title 20 Chapter 10 of the General Laws.

8. It is the Council's policy to prohibit private aquaculture activities in not-approved areas as defined by the National Shellfish Sanitation Program that contain significant shellfish stocks potentially available for relay into approved areas for the free and common fishery.

(a) This prohibition shall not apply to activities like spat collection, or to the cultivation of scallops, or to private aquaculture operations

conducted within the confines of a marina perimeter limit (as set forth in 300.4), or to projects which are designed, with Council approval, to enhance and restore the public resource.

(b) Aquaculture projects other than shellfish aquaculture proposed for not-approved areas may be granted by the Council provided the applicant provides sufficient evidence that no harm to public health or safety will result. In the case of shellfish aquaculture, such activities shall be prohibited unless the applicant provides written statements from the directors of the departments of environmental management and health certifying that the proposed activity is consistent with the requirements of the National Shellfish Sanitation Program.

(c) Where a private shellfish aquaculture applicant expressly releases ownership of any and all shellfish stock existing in a permitted area, the Council may grant a lease in addition to a permit.

C. Prerequisites

1. Prior to issuing a permit for aquaculture, the Council shall obtain and consider written recommendations from the Director of the Department of Environmental Management and the chairman of the Marine Fisheries Council, as required by Chapter 20.10 of the state's General Laws. The director of the Department of Environmental Management shall review the application to determine that the proposed aquaculture activity will not adversely affect (a) marine life adjacent to the proposed area and the waters of the state, and (b) the continued vitality of indigenous fisheries. The chairman of the Marine Fisheries Council shall review the application to determine that it is consistent with competing uses involved with the exploitation of marine fisheries.

2. A Special Permit for Aquaculture for the possession, importation, and transportation of species used in any aquaculture operation shall be obtained from the director of the Department of Environmental Management. The DEM Special Permit for Aquaculture may be processed concurrently, but must be obtained prior to the issuance of a CRMC Assent.

3. Prior to submitting a formal Category B application for aquaculture activities within tidal waters, applicants must first submit a Preliminary Determination application for the proposed

project in accordance with existing CRMC procedures. A formal application may be submitted only after the receipt of the completed Preliminary Determination report.

4. Applicants for aquaculture operations within tidal waters must submit with their application(s) all required information as specified in the most recent version of the CRMC aquaculture checklist.

5. In those cases where alterations to freshwater wetlands may occur, applicants for freshwater and land-based aquaculture operations must first obtain a permit from the DEM Division of Agriculture or DEM Freshwater Wetlands prior to applying with the Council.

6. Applicants for freshwater and land-based aquaculture structures and/or improvements must obtain local building official approval and zoning approval, where necessary, prior to submitting an application to the CRMC.

7. Applicants for land-based aquaculture operations which result in discharges to waters of the state shall be required to obtain a Rhode Island Pollution Discharge Elimination System (RIPDES) permit.

8. Applicants for aquaculture operations conducted at marinas using technologies such as an upweller unit may be reviewed as a Category A activity provided that the operation is conducted within a Council-approved marina perimeter, and that RIDEM has issued a Special Permit for Aquaculture for such an activity. Further, at the time of application, the applicant must provide proof that such seed product - prior to exceeding the size of the RIDEM seed definition - will be transferred to: a permitted aquaculture facility operating in approved waters; a scientific or educational institution; or, a government agency.

9. Upweller units at CRMC permitted residential docks, piers and floats may be reviewed as a Category A activity provided that: 1) only current council-approved aquaculture lease holders may propose to utilize upweller units at residential docks; 2) the inclusion of an upweller is incidental to the permitted use of the dock, pier, or float, and the original use of the structure not be inhibited by the inclusion of an upweller; 3) all shellfish from the addition of an upweller belong to a licensed CRMC aquaculture leaseholder and that the production from the upweller will go to the owners lease site; 4) all

applicable Rhode Island Department of Environmental Management and Rhode Island Department of Health Regulations are followed; 5) all local and national codes regarding addition of electrical power to docks and associated structures will be adhered to; and, 6) adequate depth of water at the upweller addition is maintained.

A CRMC assent will be issued for a period of up to five (5) years but in no case longer than the length of time remaining on the approved aquaculture leaseholder's permit. Addition of upwellers in existing residential docks, piers, or floats in type I waters is prohibited.

D. Additional Category B Requirements

1. Applicants proposing to undertake any aquaculture endeavor shall (a) describe the location and size of the area proposed; (b) identify the species to be managed or cultivated within the permitted area and over which the applicant shall have exclusive right; (c) describe the method or manner of management or cultivation to be utilized, including whether the activities proposed are experimental, commercial, or for personal use; (d) provide such other information as may be necessary for the Council to determine: (1) the compatibility of the proposal with other existing and potential uses of the area and areas contiguous to it, including navigation, recreation, and fisheries; (2) the degree of exclusivity required for aquacultural activities on the proposed site; (3) the safety and security of equipment, including appropriate marking of the equipment and/or lease area; (4) the projected per unit area yield of harvestable product; (5) the cumulative impact of a particular aquaculture proposal in an area, in addition to other aquaculture operations already in place; (6) the capability of the applicant to carry out the proposed activities; and (7) the impact of the proposed activities on the scenic qualities of the area.

E. Prohibitions

1. Fish pen aquaculture operations are prohibited in all coastal ponds.

2. Private aquaculture leases are prohibited in uncertified waters (i.e., restricted areas as defined by the National Shellfish Sanitation Program) which contain significant shellfish stocks available for relay into certified public waters for the free and common fishery.

3. Upwellers at existing residential docks, piers, or floats in Type I waters are prohibited.

F. Standards

1. Marine Aquaculture

a. In the event of revocation, termination or expiration of any lease or Assent, the lessee or Assent holder is responsible for restoring the area to pre-existing conditions within ninety (90) days from the date of permit revocation, termination, or expiration. This shall include the removal of all structures, rafts, floats, markers, buoys, anchors, and other equipment brought to the site. Failure to comply with the Council's order to restore the site may result in the forfeiture of the permit bond posted by the lessee.

b. Any person who maliciously and willfully destroys, vandalizes, or otherwise disrupts aquaculture activities permitted by the Council shall be in violation of an order of the Council and liable to all fines and penalties under law.

c. All permittees shall mark off the areas under permit by appropriate buoys or stakes, as determined by the CRMC, so as not to interfere unnecessarily with navigation and other traditional uses of the water surface. All authorized limitations upon the use by the public of areas subject to the permit shall be posted by the permittee.

d. The Council may require the leaseholder for an aquaculture facility to post a performance bond in order to ensure the cleanup and removal of said facility upon either the termination or expiration of the lease.

e. The Executive Director may approve the transfer of a lease from the lessee to another party provided the aquaculture operation remains the same, including size, species, gear, and methods of culturing. The full Council must approve any transfers that involve a deviation from the existing assented aquaculture operation.

f. Experimental permits. (1) The Executive Director may issue an experimental aquaculture permit for operations which are expressly for the purpose of developing and testing new gear or techniques for aquaculture production. Applicants may be approved for three separate sites, with up to an area of one-thousand (1,000) square feet for each site. Experimental sites shall not be within 500 feet of one another. Areas in excess of this may be approved by the full

be valid for a period not to exceed three (3) years. A lease may be required and the sale of any aquaculture product is not allowed. Report of such action by the Executive Director shall be made in writing to the full Council at the next regularly scheduled meeting of the Council. (2) Experimental aquaculture operations wholly contained within the confines of a council-approved marina perimeter area excluded from the 500 foot separation standard, as contained above, any may maintain a total of 3,000 square feet in any configuration for such operations.

g. Commercial viability permit. (1) The Executive Director may issue a commercial viability aquaculture permit for operations which are expressly for the purpose of determining if a particular site is suitable for commercial aquaculture. The applicant may have one site, limited to a thousand (1000) square feet. Commercial viability permits shall be valid for a period not to exceed three (3) years. Permits for a commercial viability shall be subject to a two (2) step process: 1) Issuance of a one-time administrative permit for the period of eighteen (18) months; followed by a one-time council-approved permit for an additional eighteen (18) months. A lease may be required. Report of such action by the Executive Director shall be made in writing to the full Council at the next regularly scheduled meeting of the Council. (2) Any continuation of the operation by the applicant beyond this permit length shall require a separate application which will be considered and reviewed by the Council as a Category B application and is subject to all applicable aquaculture policies and regulations. (3) The permittee may, on a one time basis, sell those products approved within the permit. Upon termination of the operation, or at the end of the three (3) year permit period, whichever comes first, the permittee must terminate the operation. The Executive Director may require the permittee to post a performance bond in order to ensure the cleanup and removal of said facility. Detailed economic reports shall be required for all commercial viability permittees.

h. Education/research permit. The Executive Director may issue a education/research aquaculture permit for operations which expressly for the purpose of using aquaculture for education or research. A lease may be required. Applicants may be approved for three separate sites, with up to an area of one-thousand (1,000) square feet for each site. Education/research sites shall not be within 500 feet of one another. Areas in excess of this may only be approved by the full Council.

Educational/research aquaculture assents shall be valid for a period not to exceed three (3) years. A lease may be required and sale of any aquacultured aquacultured product is not allowed report of such action by the Executive Director shall be made in writing to the full Council at the next regularly scheduled meeting of the Council. The Executive Director may grant extensions to these permits. Each extension shall not exceed three (3) years. Educational/research aquaculture operations wholly contained within the confines of a council-approved marina perimeter are excluded from the 500 foot separation standard, as contained above, and may maintain a total of 3,000 square feet in any configuration for such operations.

i. All transient aquaculture gear shall be operated within defined areas as established by the tidal water aquaculture management plan. Transient gear lease fees shall be based on the minimum area necessary to operate the proposed number of cages.

j. Aquaculture operations shall be located at sites and operated in such a manner as to not obstruct public access to and from tidal waters.

2. Freshwater Aquaculture

a. The Council shall require a permit for all freshwater and land-based aquaculture operations located within the coastal zone or in inland locations throughout the state.

b. Permits for land-based aquaculture operations shall be granted by the CRMC for a term not to exceed 50 years.

c. Where required, all species utilized for culture within land-based aquaculture operations must be approved by the DEM Division of Fish and Wildlife. The aforementioned approval must be obtained prior to the Council issuing its assent, however, it may be concurrently processed with the Council's review.